

REMARKS

The Office Action mailed February 21, 2008 has been carefully reviewed and the foregoing remarks have been made in consequence thereof.

Claims 1-22 are now pending in this application. Claims 1-8 and 20-22 stand rejected. Claims 9-19 are allowed.

The rejection of Claims 20-22 under 35 U.S.C. § 102(b) as being anticipated by Blevins et al. (U.S. Patent 6,445,962) ("Blevins") is respectfully traversed.

Blevins describes a method for controlling a process control network (10) using an auto-tuner. The method includes generating data using a PID function block (62) and collecting the data in a data collection unit (68). The data is analyzed by a process characteristic determining unit (69) for use in calculating process characteristics that are then transmitted to a tuning controller (71). Tuning controller (71) uses the process characteristics to auto-tune the process. Data is captured from individual tuning elements to determine a tuning parameter for an individual device. Notably, Blevins does not describe nor suggest receiving a plurality of process parameters for a plurality of equipment combinations, nor deriving values for process parameters using the measured process parameters wherein the measured process parameter quantity is compared to a measured process parameter to verify an operability of the at least one sensor. Furthermore, Blevins describes capturing dynamic data of the tuning elements to determine the tuning parameter for the device. Notably, Blevins does not describe nor suggest determining a derived quantity from a plurality of measured process parameters. Moreover, Blevins describes auto-tuning a process based on the dynamic data. However, Blevins does not describe nor suggest a system that uses measured process parameters and a derived quantity to produce a recommendation for changing an equipment combination.

Claim 20 recites a computer program embodied on a computer readable medium for monitoring a plant, wherein the plant includes a plurality of equipment combinations operating interactively with each other and with individual equipment, the program includes

“a code segment that controls a computer that receives a plurality of process parameters from sensors operatively coupled to the equipment combinations and individual equipment and then . . . derives values for process parameters using the measured process parameters . . . compares the measured process parameter quantity to a measured process parameter to verify an operability of the at least one sensor . . . selects a rule from a set of rules comprising a plurality of commands that direct data analysis for each at least one of measured process parameter, a derived quantity, a plurality of measured process parameters and a derived quantities associated with a health of the equipment combination . . . recommends at least one of a mitigating procedure, a maintaining procedure, and an operation procedure using the derived health of the equipment combination.”

Blevins does not describe nor suggests a computer program, as is recited in Claim 20. More specifically, Blevins does not describe nor suggest a computer program that recommends at least one of a mitigating procedure, a maintaining procedure, and an operation procedure using the derived health of the equipment combination. Moreover, Blevins does not describe nor suggest a computer program that derives values for process parameters using the measured process parameters, and that compares the measured process parameter quantity to a measured process parameter to verify an operability of the at least one sensor. Rather, in contrast to the present invention, Blevins describes a system that collects data points from individual sensors and performs alarming on the collected data points, determines whether a data point or a plurality of data points trigger an alarm and then determines the severity of the alarm. Moreover, the system includes an alarm event list, wherein a user-defined action may be initiated when a specific alarm is triggered. In addition, the system also includes a program that guides a user through a program to identify a cause of an alarm for a plant asset. Accordingly, for at least the reasons set forth above, Claim 20 is submitted to be patentable over Blevins.

Claims 21 and 22 depend from independent Claim 20. When the recitations of Claims 21 and 22 are considered in combination with the recitations of Claim 20, Applicants submit that dependent Claims 21 and 22 likewise are patentable over Blevins.

For the reasons set forth above, Applicants respectfully request that the Section 102(b) rejection of Claims 20-22 be withdrawn.

The rejection of Claims 1-8 under 35 U.S.C 103(a) as being unpatentable over Blevins in view of Kicinski et al. (U.S. Patent Number 6,405,139) ("Kicinski") is respectfully traversed.

Blevins is described above. Kicinski describes a monitoring system that includes a number of electronic devices (120) that each include a housing (62) that is filled with a potting material (158) to provide support, protection, and insulation for the interior hardware. More specifically, a status of machinery (12) and plant assets (32) are monitored by a data acquisition system (100) that is coupled to a host computer system (110). Data acquisition system (100) monitors the status via signals generated from transducers (16) located in the monitored areas. Transducers (16) communicate to data acquisition system (100) via cables (18) coupled to an instrument package (20) and to data acquisition system (100) via conductors (24). Notably, Kicinski is merely cited for having a driver machine coupled in communication with a driven machine, and does not describe nor suggest a computer program that derives values for process parameters using the measured process parameters wherein the measured process parameter quantity is compared to a measured process parameter to verify an operability of the at least one sensor.

Claim 1 recites a method for operating a facility having a plurality of equipment combinations, each equipment combination is operable interactively with at least one other equipment combination, wherein the method comprising "receiving a plurality of measured process parameters, in real-time, for each of the plurality of equipment combinations, wherein the equipment combinations include at least a driver machine and a driven machine ... determining at least one derived quantity from the plurality of measured process parameters wherein the derived process is compared to a measured process parameter to verify an operability of the at least one sensor . . . recommending a change to an equipment operation based on the measured process parameters and the derived quantities."

No combination of Blevins and Kicinski describes nor suggests a method for operating a facility having a plurality of equipment combinations, as is recited in Claim 1. More specifically, no combination of Blevins and Kicinski describes nor suggests a method for operating a facility, wherein the method includes determining at least one derived quantity from the plurality of measured process parameters wherein the derived quantity is compared to a measured process parameter to verify an operability of the at least one sensor. Rather, in contrast to the present invention, Blevins describes a system for use in collecting data points from individual sensors coupled to individual plant assets that determines whether a data point or a plurality of data points trigger an alarm, and the severity of the alarm. Moreover, the system includes a program for use in identifying a cause of the alarm for the plant asset. Kicinski is merely cited for having a driver machine coupled in communication with a driven machine. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Blevins in view of Kicinski.

Claims 2-8 depend from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-8 likewise are patentable over Blevins in view of Kicinski.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It appears that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention. The United States Supreme Court has recently expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon ex post reasoning. See *KSR International Co. v. Teleflex, Inc.*, slip Opinion at page 17. The Supreme Court also explained that, following "common sense," "familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* at page 16. Applicants respectfully submit that the

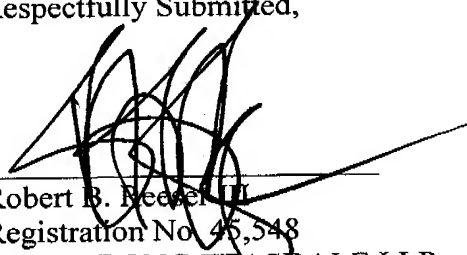
teachings of Blevins and Kicinski do not fit together like pieces of a puzzle, but rather are two isolated disclosures, which have been chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request the Section 103 rejection of Claim 1-8 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Applicants do not believe any fees are due in connection with this amendment; however, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 012384 in the name of ARMSTRONG TEASDALE LLP.

Respectfully Submitted,



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